

01-16-01

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DAE #9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
JEAN-LUC DUBOIS
Serial No.: 194,996
Filed: December 4, 1998
For: TRANSDERMIC... **RECEIVED**

L.E. Smith

JAN 19 2001

600 Third Avenue
New York N.Y. 10016
January 12, 2001

OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 CFR 1.47(b)

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant again renews the petition for acceptance of the above application and for the granting of the petition to accept the application in view of the new declaration submitted herewith by Jean-Claude Vieillefosse.

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28 FEB 2001

Legal Staff

The decision on the petition dated December 14, 2000 indicated that Applicant had complied with all the necessary requisites for accepting the application with the exception of (5) Proof that the 37 CFR 1.47(b) Applicant has sufficient proprietary interest in the application. The decision was made on the basis that there was no declaration or affidavit of a person having first hand knowledge of the facts that the invention was made by an employee while employed by 37 CFR 1.47(b) Applicant had not been provided.

The present declaration is submitted by Jean-Claude Vieillefosse who, as noted previously, has authority to bind the 1.47(b) Applicant. The new declaration specifically states that he

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Signature of person mailing paper or (see)

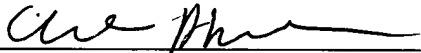
knows of his own personal knowledge that the invention set forth in the present application was an invention made by Mr. Dubois during his time of employment at Hoechst Marion Roussel and that the invention was made within the scope of his duties as an employee of Hoechst Marion Roussel. It can be seen from both the declaration now being submitted and the proof with respect to his employment contract that Mr. Dubois was hired as a research executive in the scientific division for galenic development research from September 1995 until the time he left his employment and that the present invention was a result of his employment by Hoechst Marion Roussel falling within the scope of his contract.

Mr. Vieillefosse further states that the declaration was made after a review of the records of Hoechst Marion Roussel and is made on his own personal knowledge as a result thereof.

Therefore, it is believed that the Rule 1.47(b) Applicant has clearly demonstrated that he has sufficient proprietary interest in the application including a declaration of a person having first hand knowledge of the facts that the invention was made by the employee while employed by the Rule 1.47(b) Applicant. Therefore,

it is believed that the Applicant has now complied with all the necessary requisites for acceptance of the application and it is requested that the application be accepted by the Patent Office and be forwarded to the group for examination in due course.

Respectfully submitted,
Bierman, Muserlian and Lucas

By: 
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CAM:ds
Encl.: Declaration
Return receipt postcard